

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VANESSA SHULTZ,

Plaintiff,

vs.

ABE'S TRASH SERVICE, INC.,
CHRISTOPHER F. SKINNER, and
FARM BUREAU PROPERTY &
CASUALTY INSURANCE COMPANY,

Defendants.

8:16CV243

ORDER

This matter is before the court on the plaintiff's Motion for an Order Compelling Defendants to Produce Initial Disclosures and for Sanctions for Defendants' Failure to File Initial Disclosures as Required Under F.R.C.P. 26(a) (Filing No. 23). The plaintiff's motion is deficient for failing to comply with the United States District Court for the District of Nebraska Civil Rules. The plaintiff's counsel failed to show sufficient compliance with NECivR 7.1(i), which states:

To curtail undue delay in the administration of justice, this court only considers a discovery motion in which the moving party, in the written motion, shows that after personal consultation with opposing parties and **sincere attempts** to resolve differences, the parties cannot reach an accord. This showing must also **state the date, time, and place of the communications and the names of all participating persons**. "Personal consultation" means person-to-person conversation, either in person or on the telephone. . . .

See NECivR 7.1(i) (emphasis added). Since the plaintiff failed to make such a showing, the motion is denied. While the plaintiff suggests an attorney from one office spoke to an attorney from the other office, constituting a personal consultation, the plaintiff fails to suggest this single August 23, 2016, discussion, wherein the defendants agreed to provide the requested discovery, was a sincere attempt to resolve the parties' differences. Rather than wait the couple days requested by the defendants' counsel or contact counsel of record, the plaintiff merely filed this motion "within a couple of days" on August 25, 2016, at 1:43 p.m. Despite the defendants one-week tardy disclosures,

the plaintiff's counsel's conduct is wholly inadequate under the spirit or letter of the federal and local rules. Upon consideration,

IT IS ORDERED:

1. The plaintiff's Motion for an Order Compelling Defendants to Produce Initial Disclosures and for Sanctions for Defendants' Failure to File Initial Disclosures as Required Under F.R.C.P. 26(a) (Filing No. 23) is denied.

2. Motions to compel shall not be filed without first contacting the chambers of the assigned magistrate judge to set a conference for discussing the parties' dispute.

Dated this 25th day of August, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge